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U.S. Patent Application Serial No. 10/826,501  
Response filed November 4, 2008  
Reply to OA dated August 4, 2008

**AMENDMENTS TO THE CLAIMS:**

This listing of claims will replace all prior versions, and listings, of claims in the application:

**Listing of Claims:**

Claim 1 (Currently amended): An electronic device having an optical system for capturing an image comprising:

a focusing mechanism for moving said optical system to an auto-focusing position or a fixed focus position;

a switch that functions as a focusing switch and also functions as a shutter switch, wherein said switch when operated orders a focusing action or orders capturing of the image; and

a controller that decides whether the optical system is in a final lens position or not during a focusing action of said focusing mechanism due to said switch, and in the case where a shutter operation of said switch is performed under a state that the optical system is not in the final lens position, shifts said optical system to a fixed focus position from an auto-focusing position and takes a fixed focus image,

wherein, during the focusing action, a focusing value is measured with an origin at a lens position where a focus position becomes an infinity, and if the measured focusing value

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is not smaller than a maximum focusing value, the decision is performed with making the measured focusing value into the maximum focusing value.

Claim 2 (Currently amended): An electronic device having an optical system for capturing an image comprising:

a focusing mechanism for moving said optical system to an auto-focusing position or a fixed focus position;

a switch that functions as a focusing switch and also functions as a shutter switch, wherein said switch when operated orders a focusing action or orders capturing of the image; and

a controller that decides whether the optical system is in a final lens position or not during a focusing action of said focusing mechanism due to said switch, and in the case where a shutter operation of said switch is performed under a state that the optical system is not in the final lens position, shifts said optical system to a fixed focus position from an auto-focusing position and takes a fixed focus image. The electronic device of claim 1,

wherein said controller compares between a time required for bringing into focus in said focusing mechanism and a time from starting of the focusing action until starting of said shutter operation, and changes said optical system to said auto-focusing position or said fixed focus position based on a result of the comparison.

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Claim 3 (Original): The electronic device of claim 1, wherein said switch is provided as a first switch, and a switch which is used in photographing by a fixed focus is also provided as a second switch separated from the first switch.

Claim 4 (Original): The electronic device of claim 1, wherein said switch functions as said focusing switch at a state of a half-push and functions as said shutter switch at a state of a full-push.

Claim 5 (Original): The electronic device of claim 1 further comprising:  
a first housing part that has said imaging part;  
a second housing part that has said switch; and  
a coupling part that couples said first housing part and said second housing part so that the first and second housing parts can be folded up.

Claim 6 (Currently amended): An electronic device having an optical system for capturing an image comprising:  
a focusing mechanism for moving said optical system to an auto-focusing position or a fixed focus position;  
a switch that functions as a focusing switch and also functions as a shutter switch, wherein said switch according to a condition of operation orders a focusing action or the capturing of the image; and

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a controller that decides whether the optical system is in a final lens position or not during a focusing action of said focusing mechanism due to said switch, and in the case where a shutter operation of said switch is performed under a state that the optical system is not in the final lens position, takes an image at a focus position in the middle of the focusing action, wherein, during the focusing action, a focusing value is measured with an origin at a lens position where a focus position becomes an infinity, and if the measured focusing value is not smaller than a maximum focusing value, the decision is performed with making the measured focusing value into the maximum focusing value.

Claim 7 (Original): The electronic device of claim 6, wherein said switch is provided as a first switch, and a switch which is used in photographing by a fixed focus is also provided as a second switch separated from the first switch.

Claim 8 (Original) The electronic device of claim 6, wherein said switch functions as said focusing switch at a state of a half-push and functions as said shutter switch at a state of a full-push.

Claim 9 (Original) The electronic device of claim 6 further comprising:  
a first housing part that has said imaging part;  
a second housing part that has said switch; and  
a coupling part that couples said first housing part and said second housing part so that

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the first and second housing parts can be folded up.

Claim 10 (Currently amended): A photographing control method of an electronic device having an imaging part which catches an image obtained through an optical system, and a focusing mechanism which moves said optical system to an auto-focusing position or a fixed focus position, comprising:

a process that detects a shutter operation in the middle of a focusing action of said focusing mechanism;

a process that measures a focusing value with an origin at a lens position where a focus position becomes an infinity, during the focusing action;

a process that makes the measured focusing value into a maximum focusing value if the measured focusing value is not smaller than a maximum focusing value;

a process that decides whether the optical system is in a final lens position or not during a focusing action of the focusing mechanism;

a process that detects said shutter operation and, if the optical system is not in the final lens position, switches to said fixed focus position from said auto-focusing position of said optical system under the focusing action; and

a process that takes a fixed focus image caught at said fixed focus.

Claim 11 (Original): The photographing control method of the electronic device of claim 10 further including a process that superimposes a focusing mark representative of a

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distance between a pictured object and the optical system on an image, in the middle of said focusing action, which is caught by said imaging part, and displays it.

Claim 12 (Currently amended): A photographing control method of an electronic device having an imaging part which catches an image obtained through an optical system, and a focusing mechanism which moves said optical system to an auto-focusing position or a fixed focus position, comprising:

a process that detects a shutter operation in the middle of a focusing action of said focusing mechanism;

a process that measures a focusing value with an origin at a lens position where a focus position becomes an infinity, during the focusing action;

a process that makes the measured focusing value into a maximum focusing value if the measured focusing value is not smaller than a maximum focusing value;

a process that decides whether the optical system is in a final lens position or not during a focusing action of the focusing mechanism; and

a process that detects said shutter operation and, if the optical system is not in the final lens position, takes an auto-focusing image caught by said imaging part in the middle of the focusing action.

Claim 13 (Currently amended): A computer readable recording medium storing a photographing control program of an electronic device having an imaging part which catches

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an image obtained through an optical system, and a focusing mechanism which moves said optical system to an auto-focusing position or a fixed focus position, the control program comprising:

a step that detects a shutter operation in the middle of a focusing action of said focusing mechanism;

a step that measures a focusing value with an origin at a lens position where a focus position becomes an infinity, during the focusing action;

a step that makes the measured focusing value into a maximum focusing value if the measured focusing value is not smaller than a maximum focusing value;

a step that decides whether the optical system is in a final lens position or not during a focusing action of the focusing mechanism;

a step that detects said shutter operation and, if the optical system is not in the final lens position, switches to said fixed focus position from said auto-focusing position of said optical system under the focusing action; and

a step that takes a fixed focus image caught at said fixed focus.

Claim 14 (Currently amended): A computer readable recording medium storing a photographing control program of an electronic device having an imaging part which catches an image obtained through an optical system, and a focusing mechanism which moves said optical system to an auto-focusing position or a fixed focus position, the control program comprising:

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a step that detects a shutter operation in the middle of a focusing action of said focusing mechanism;

a step that measures a focusing value with an origin at a lens position where a focus position becomes an infinity, during the focusing action;

a step that makes the measured focusing value into a maximum focusing value if the measured focusing value is not smaller than a maximum focusing value;

a step that decides whether the optical system is in a final lens position or not during a focusing action of the focusing mechanism; and

a step that detects said shutter operation and, if the optical system is not in the final lens position, takes an auto-focusing image caught by said imaging part in the middle of the focusing action.

Claim 15 (Currently amended): An integrated circuit to which an imaging part catching an image obtained through an optical system and a focusing mechanism moving said optical system to an auto-focusing position or a fixed focus position are connected externally, comprising:

a detection part that detects a shutter operation in the middle of a focusing action of said focusing mechanism and a focusing value measured with an origin at a lens position where a focus position becomes an infinity, during the focusing action; and

a control part that decides whether the optical system is in a final lens position or not and, on the basis of a detection of said shutter operation of said detection part, switches to said



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fixed focus position from said auto-focusing position of said optical system under the focusing action and takes a fixed focus image caught at said fixed focus if the optical system is not in the final lens position;

wherein said control part makes the measured focusing value into a maximum focusing value to perform the decision if the measured focusing value is not smaller than a maximum focusing value.

Claim 16 (Currently amended): An integrated circuit to which an imaging part catching an image obtained through an optical system and a focusing mechanism moving said optical system to an auto-focusing position or a fixed focus position are connected externally, comprising:

a detection part that detects a shutter operation under a focusing action of said focusing mechanism and a focusing value measured with an origin at a lens position where a focus position becomes an infinity, during the focusing action; and

a control part that decides whether the optical system is in a final lens position or not and takes an auto-focusing image in the middle of the focusing action based on a detection of said shutter operation of said detection part if the optical system is not in the final lens position;

wherein said control part makes the measured focusing value into a maximum focusing value to perform the decision if the measured focusing value is not smaller than a maximum focusing value.

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